



# Allegheny County Council

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## Legislation Details (With Text)

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**Title:** An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.03, entitled "Councilmatic districts," in order to provide a uniform process for the reapportionment of Council districts within Allegheny County.

**Sponsors:** Tom Duerr, Paul Klein

**Indexes:**

**Code sections:**

**Attachments:**

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| 12/31/2021 | 1    | Chief Clerk    | Expired by Rule   |        |
| 7/13/2021  | 1    | County Council | Referred by Chair |        |

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.03, entitled "Councilmatic districts," in order to provide a uniform process for the reapportionment of Council districts within Allegheny County.

**Whereas,** Article IX, §11 of the Pennsylvania Constitution, the Pennsylvania Municipal Reapportionment Act, 53 P.S. §901, *et. seq.*, and the Administrative Code of Allegheny County, §5-301.03, all require that Allegheny County conclude a reapportionment of Council districts no later than one year after the finalization of decennial census data relating to the County; and

**Whereas,** while the provisions of §5-301.03 re-state the mechanical requirements for reapportionment contained within the authorities referenced above, it does not establish any particular process for conducting such reapportionments, and it is therefore possible that widely divergent processes may be used from reapportionment to reapportionment; and

**Whereas,** it is the judgment of Council that establishing a uniform process involving a specified advisory structure will provide consistency, while limiting the potential for politicization of the reapportionment process;

***The Council of the County of Allegheny hereby enacts as follows:***

### ***Section 1. Amendment of the Code.***

The Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.03, entitled "Councilmatic districts," is hereby amended as follows:

**§5-301.03. County Council districts.**

A. The County Council Districts shall be as follows:

- (1) District No. 1: Aleppo Township, Ben Avon Borough, Ben Avon Heights Borough, Coraopolis Borough, Emsworth Borough, Findlay Township, Glenfield Borough, Glen Osborne Borough, Haysville Borough, Kilbuck Township, Moon Township, North Fayette Township, Ross Township, and West View Borough.
- (2) District No. 2: Bell Acres Borough, Bradford Woods Borough, Crescent Township, Edgeworth Borough, Franklin Park Borough, Leet Township, Leetsdale Borough, Marshall Township, McCandless Township, Ohio Township, Pine Township, Richland Township, Sewickley Borough, Sewickley Heights Borough and Sewickley Hills Borough.
- (3) District No. 3: Aspinwall Borough, Etna Borough, Fox Chapel Borough, Hampton Township, Indiana Township, Millvale Borough, O'Hara Township, Reserve Township, Shaler Township, Sharpsburg Borough and West Deer Township.
- (4) District No. 4: Avalon Borough, Carnegie Borough, Collier Township, Crafton Borough, Heidelberg Borough, Kennedy Township, McDonald Borough, McKees Rocks Borough, Neville Township, Oakdale Borough, Pennsbury Village Borough, Robinson Township, Scott Township, South Fayette Township, Stowe Township and Thornburg Borough,
- (5) District No. 5: Bethel Park Municipality, Bridgeville Borough, Mount Lebanon Township and Upper St. Clair Township.
- (6) District No. 6: Baldwin Borough, Baldwin Township, Brentwood Borough, Castle Shannon Borough, Clairton City, Elizabeth Borough, Jefferson Hills Borough, Pleasant Hills Borough, South Park Township, West Elizabeth Borough, Whitehall Borough.
- (7) District No. 7: Blawnox Borough, Brackenridge Borough, Cheswick Borough, Churchill Borough, East Deer Township, Fawn Township, Frazer Township, Harmar Township, Harrison Township, Oakmont Borough, Penn Hills Township, Springdale Borough, Springdale Township, Tarentum Borough, Verona Borough, Wilkins Township.
- (8) District No. 8: Braddock Borough, Braddock Hills Borough, Chalfant Borough, East McKeesport Borough, East Pittsburgh Borough, Edgewood Borough, Monroeville Municipality, North Braddock Borough, Pitcairn Borough, Plum Borough, Rankin Borough, Swissvale Borough, Trafford Borough, Turtle Creek Borough, Wall Borough, Whitaker Borough and Wilmerding Borough,
- (9) District No. 9: Dravosburg Borough, Duquesne City, Elizabeth Township, Forward Township, Glassport Borough, Liberty Borough, Lincoln Borough, McKeesport City, North Versailles Township, Port Vue Borough, South Versailles Township, Versailles Borough, West Mifflin Borough and White Oak Borough.
- (10) District No. 10: City of Pittsburgh Wards 3, 4, 5, 8, 11, 12 and 13, Forest Hills Borough and Wilkinsburg Borough.

(11) District No. 11: Homestead Borough, Munhall Borough, City of Pittsburgh Wards 7, 14, 15, 16, 31 and West Homestead Borough.

(12) District No.12: Dormont Borough, Green Tree Borough, Ingram Borough, Mount Oliver Borough, Pittsburgh Wards 19, 20, 28, 29, 30 and 32 and Rosslyn Farms Borough.

(13) District No. 13: Bellevue Borough and City of Pittsburgh Wards 1, 2, 6, 9, 10, 17, 18, 21, 22, 23, 24, 25, 26 and 27.

B. Reapportionment of Council districts. It shall be the mandatory duty of Council to reapportion the County Council districts within one year after the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census. The reapportionment of the council districts shall be done in the following manner: each district shall be composed of compact and contiguous territories as nearly equal in population as practicable as officially reported in the Federal Census. Unless absolutely necessary, no city, borough, township or ward shall be divided in forming council districts. No city block shall be divided into more than one district. A municipality shall be divided into as few County Council districts as possible. The number of wards whose territory is divided into more than one Council district shall be as small as possible. The aggregate length of all Council district boundaries shall be as short as reasonably practicable. No "election district," as that term is defined in the Pennsylvania Election Code, shall be divided into more than one district. At the expiration of the one-year period, if Council shall have failed to reapportion the council districts, then the reapportionment shall be conducted in accordance with the provisions of the Pennsylvania Municipal Reapportionment Act, 53 Pa.C.S.A. § 901 et seq. If the mandatory reapportionment results in a County Council member being placed out of the district from which he was elected, then the County Council member shall be permitted to complete his term of office.

C. Advisory Reapportionment Commission. Within forty-five (45) days of the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census, Allegheny County Council shall appoint an advisory Reapportionment Commission. Such Commission shall be comprised of five (5) members, and shall be charged with developing reapportionment recommendations pursuant to all provisions of applicable law, subject to the following:

1. Eligibility. Appointees to the Commission must be at least eighteen (18) years of age, must be registered to vote within Allegheny County, and shall have been residents of Allegheny County for at least one year prior to appointment and throughout their service on the Commission. Appointees may belong to any political party, regardless of the fashion in which they are appointed under the terms of Subsection 3.

2. Prohibitions. No Commission member shall be or shall have a parent, spouse, or child who is an employee of Allegheny County. At no time during their service shall any Commission member hold any elected office, serve on or at the pleasure of any committee organized by any candidate for election, serve at the pleasure of any candidate for election and/or their campaign manager or other campaign staff, or be a voting member of any committee established by or for the benefit of a political party.

3. Appointment. Members of the Commission shall be appointed as follows:

- a. Two (2) Commission members shall be appointed by the Council members affiliated with the party having the largest number of members serving on Council as of the date of official and final publication of decennial census data for the County.
  - i. No more than fourteen (14) days after the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census, the chair of the appointing caucus shall present a list of seven (7) potential nominees to the chair of the other caucus appointing Commission members under the terms of Subsection 3.b.
  - ii. The other appointing caucus shall have no more than seven (7) days from such presentation to strike no more than three (3) potential nominees from this list.
  - iii. No explanation for such strikes shall be required.
  - iv. In the event that no response is tendered within seven (7) days of presentation, no names shall be stricken.
  - v. Within seven (7) days of receipt of the response under the terms of Subsection 3.a.ii. or the passage of the time limit imposed under the terms of Subsection 3.a.iv. (whichever takes place first in time), the appointing caucus shall provide the Chief Clerk with written notification and announce its two (2) appointments at a regular meeting of Council.
  - vi. These two appointees shall not be subject to confirmation by the full Council.
- b. Two (2) Commission members shall be appointed by the Council members affiliated with the party having the second largest number of members serving on Council as of the date of official and final publication of decennial census data for the County.
  - i. No more than fourteen (14) days after the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census, the chair of the appointing caucus shall present a list of seven (7) potential nominees to the chair of the other caucus appointing Commission members under the terms of Subsection 3.a.
  - ii. The other appointing caucus shall have no more than seven (7) days from such presentation to strike no more than three (3) potential nominees from this list.
  - iii. No explanation for such strikes shall be required.
  - iv. In the event that no response is tendered within seven (7) days of presentation, no names shall be stricken.
  - v. Within seven (7) days of receipt of the response under the terms of Subsection 3.a.ii. or the passage of the time limit imposed under the terms of Subsection 3.a.iv. (whichever takes place first in time), the appointing caucus shall provide the Chief Clerk with written notification and announce its two (2) appointments at a regular meeting of Council.

- vi. These two appointees shall not be subject to confirmation by the full Council.
- c. The fifth member of the Commission shall serve as its Chair, and shall be appointed by vote of a majority of the seated members of Council. Appointment for this member shall be conducted via written motion of Council, and such motion shall include the name of both the appointee and at least one alternate to serve in the event that the appointee's seat is vacated during his/her term. In the event that either three separate motions fail to receive the vote of a majority of the Council members or forty five (45) days elapse from the effective date of this Article (whichever takes place first in time), the chair of the Commission shall be appointed by the President of Council without confirmation by the full Council, provided that the President shall not appoint any individual who has previously been disapproved by a vote of the full Council.
- d. The terms of all initial appointments timely made pursuant to the terms of this Section shall be deemed to commence upon the forty-sixth (46<sup>th</sup>) day after the official and final publication of the population of the County by the United States Bureau of the Census, and shall expire one hundred and eighty (180) days from the date of such publication. The term of any appointment made after the forty-sixth (46<sup>th</sup>) day after the official and final publication of the population of the County by the United States Bureau of the Census shall be deemed to commence upon its announcement or approval by the seated members of Council (as required under the terms of this Section), and shall expire upon the same date as all timely initial appointments.
- e. Upon appointment and at all times throughout their service, all Commission members shall be deemed "Covered Persons" within the meaning of §5-1013.03 of this Administrative Code, shall be subject to the entirety of Article 1013 of this Administrative Code (relating to Accountability, Conduct and Ethics), and shall file annual disclosures of interest for the year(s) during which they serve, in accordance with the provisions of §5-1013.05.
- f. In the event of a vacancy, a replacement member shall be selected, as follows:
  - i. For any member appointed by a caucus of Council under the terms of Subsections 3.a. or 3.b., a new Commission member shall be appointed by that same caucus within fourteen (14) days of the seat becoming vacant. Such new appointee shall be selected from individuals remaining on the appointing caucus' original list of potential nominees (not including any individuals previously stricken by the non-appointing caucus and/or any individuals who were previously appointed). In the event that no individuals remain on such list, the appointing caucus may select any individual meeting the eligibility criteria. Terms for replacement appointments made under the terms of this Subsection shall commence upon announcement of the appointment at a regular meeting of Council.
  - ii. For the member selected by vote of the full Council under the terms of Subsection 3.c., the alternate designated in the appointing motion shall immediately assume the duties of the Chair in the event that the Chair's seat is vacated. In the event that the alternate is unavailable, or is unable or unwilling to assume such duties, the Chief Executive shall appoint a Chair, with such

appointment not subject to approval by the full Council and commencing upon the day on which the Executive notifies Council of the appointment.

- g. Once appointed, Commission members may be removed only upon violation of the terms of this Section or other applicable law, by a vote of a majority of the seated members of Council and with prior notice and hearing afforded to the Commission member in question.
4. Commission meetings. The Commission shall meet to adopt operating rules and procedures as soon as is practicable after the forty-sixth (46<sup>th</sup>) day after the official and final publication of the population of the County by the United States Bureau of the Census. Notwithstanding any rule or procedure adopted by the Commission, for the purposes of conducting Commission business a quorum shall consist of at least three (3) members of the Commission in attendance. The Commission shall be deemed an “agency” as defined within the Pennsylvania Sunshine Act (65 Pa.C.S. §701, *et. seq.*) and Commission meetings shall be open to the public in accordance with the provisions of that Act. The Commission shall keep minutes as required by the Act, and shall also make full and complete audio recordings of all of its proceedings that are open to the public. Copies of such recordings shall be made available to any individual upon request, at no cost to the requestor.
5. Commission duties. The Commission shall be charged with formulating one or more recommendations regarding reapportionment and providing such recommendation(s) to Allegheny County Council no later than 180 days from the date of the Commission’s first meeting. At all times, the Commission shall strictly adhere to all applicable Commonwealth and other Constitutional provisions, statutory law, caselaw, and regulations, including (but not limited to) the Municipal Reapportionment Act (53 Pa.C.S.A. §901, *et. seq.*). Throughout the process of formulating recommendations, the Commission shall provide weekly written updates to all Council members regarding progress, methodologies employed, and issues to be resolved. The Commission may, if necessary, consult with Council’s solicitor regarding legal matters pertaining to reapportionment, but shall not, under any circumstances, discuss reapportionment with or seek advice relating to reapportionment from the County Law Department, the Chief Executive or any employee(s) of the administrative branch of the County’s government, any individual member(s) of Allegheny County Council or its full time staff, or any independently elected County official (as delineated in §5-201.03.A. of this Administrative Code) or any member(s) of their staff.
6. Staffing. The County, on behalf of the Commission, may retain the services of not more than two (2) agents and/or contractors, permanent or temporary, as may be requested from time-to-time by the Commission to serve as staff to assist the Commission in the performance of its responsibilities under the terms of this Article. The County shall determine the qualifications and necessity of such agents and contractors. The County shall have the authority to place a reasonable limit on the amount to be paid for the services of any individual(s) retained under the terms of this Section. The County shall provide the Commission with appropriately located office space and public meeting facilities together with necessary office supplies, equipment and furnishings.
7. Content of Commission recommendations. The Commission shall submit one or more

recommendations to County Council upon an affirmative vote of a majority of the seated Commission members. Such recommendation(s) shall include both a map visually depicting the recommended new Council districts and a list of the recommended new districts, together with a clear delineation of the population of each proposed district, broken down by community (or portion thereof) within the proposed districts. Any recommendation(s) developed by the Commission pursuant to the terms of this Section shall be deemed purely advisory in nature, and shall have no legal effect unless/until adopted by the Council in the form of an ordinance amending to §5-301.03.A. of this Administrative Code.

8. Council procedure. Upon receipt, the Chief Clerk shall format the recommendation(s) as an ordinance amending §5-301.03.A. of this Administrative Code, and place the ordinance for introduction on the agenda for the next regular meeting of Council. Notwithstanding any Rule of Council to the contrary, no sponsor need be designated within such ordinance. Once introduced, the ordinance may be discussed in committee prior to the second reading, but shall not be subject to amendment prior to the Council's final vote on the ordinance. In the event that three (3) Commission recommendations are not approved via final vote, or after 180 days from the date of the Commission's first meeting (whichever occurs first), County Council may introduce its own ordinance to accomplish reapportionment. Such ordinance, if introduced, shall comport with all applicable law.

### ***Section 3. Effective Date.***

The provisions of this ordinance shall become effective immediately upon the date of final approval.

***Section 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

***Section 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***